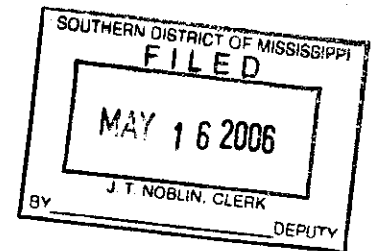


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**



**SPCP GROUP, LLC, A DELAWARE LIMITED LIABILITY
COMPANY, AS SUCCESSOR-IN-INTEREST TO WACHOVIA
BANK, NATIONAL ASSOCIATION, AS SUCCESSOR-BY-MERGER
TO SOUTHTRUST BANK**

PLAINTIFF

V.

CIVIL ACTION NO. 3:05cv698HTW-JCS

**CONGRESS STREET PROPERTIES, LLC; NORTHGATE
PROPERTIES, LLC; AND ISAAC K. BYRD, JR.**

DEFENDANTS

DEFAULT JUDGMENT

This day, the motion of the Plaintiff for entry of a final default judgment having come on for hearing, and the Court having considered same and the other pleadings and documents filed in this cause, finds that pursuant to Fed. R. Civ. P. 55(b) the Plaintiff's motion for default judgment is well-taken and should be granted;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(a), the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr., after waiving service of process in this cause, and thereby subjecting themselves to the jurisdiction of this Court in this cause, have each failed to plead or otherwise defend in this matter;

Further this Court finds that by the waivers of service of summons filed in this cause by each of the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd,

Jr., each of the Defendants acknowledged that a judgment may be entered against each if an answer or motion under Rule 12 was not served upon Plaintiff within 60 days after January 27, 2006; and that more than 60 days have passed since January 27, 2006, with no filing of any responsive pleading by any Defendant in this cause;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(a), the clerk has appropriately entered the default of the Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr.;

Further this Court finds that Plaintiff, SPCP Group, LLC has submitted an affidavit in support of the entry of judgment in this cause, and evidencing the failure of the Defendants to plead or defend this cause;

Further this Court finds that pursuant to Fed. R. Civ. P. 55(b)(2), the Plaintiff, SPCP Group, LLC has submitted for investigation and consideration by the Court, pleadings and other support for the entry of judgment, including an affidavit of Plaintiff evidencing damages which are by computation made certain, in the amount of \$ 1,798,444.69, such amount being damages the Plaintiff is entitled to recover of and from the Defendants; and further, as evidenced by affidavit, Plaintiff is entitled to recover of and from the Defendants, pursuant to the Forbearance Agreement and Notes, reasonable attorneys fees and costs, and that Plaintiff is entitled to recover additionally the amount of \$ 26,073.25 same being reasonable attorneys fees and costs; accordingly, Plaintiff is entitled to judgment by default against Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr., jointly and severally, in the amount of \$ 1,824,517.94, plus interest at the legal rate until paid and all costs of Court herein accruing.

IN ACCORDANCE WITH THE FOREGOING, IT IS, THEREFORE, ORDERED AND ADJUDGED

that the Plaintiff recovers from and against Defendants, Congress Street Properties, LLC; Northgate Properties, LLC; and Isaac K. Byrd, Jr., jointly and severally, the amount of \$ 1,824,517.94, plus interest at the legal rate until paid and all costs of court herein accruing.

SO ORDERED AND ADJUDGED, this the 15th day of May, 2006.

Henry T. Wengate
CHIEF UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

/s Robert H. Walker
Robert H. Walker (MSB# 6890)
Kevin A. Rogers (MSB# 101230)
WELLS MARBLE & HURST, PLLC
317 E. Capitol Street
600 Lamar Life Building
Post Office Box 131
Jackson, Mississippi 39205-0131
Telephone: (601) 355-8321
Facsimile: (601) 355-4217

COUNSEL FOR SPCP GROUP, LLC.

Civil Action No. 3:05-cv-698 WS